

## **REMARKS/ARGUMENTS**

### **I. INTRODUCTION**

Generally, the present application as defined by independent claims 41 and 70 relates to a vehicle immobilization device for deployment on illegally parked vehicles to prevent the vehicle from being driven away, and having improved portability so as to render the device more convenient for transport and/or storage when not in use. Claims 63 and 71 define the method steps involved in deployment of the device.

Claims 41-72 are pending. In the Office Action:

- Claims 42-49, 51, 53, 54, 56, 57, 62, 66 and 69 were indicated by the Examiner as being allowable if rewritten in independent form;
- Claim 59 was objected because it depended from canceled claim 18; and
- Claims 41, 50, 52, 58-61, 63-65 and 67-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Smith et al. (US 5,564,770) in view of WO 90/01999.

Applicants thank the Examiner for the Office Action, which has been studied with interest and care. By this Amendment, claim 69 has been canceled and claims 41, 44, 47, 50, 53, 58-60, 63, 64, 67 and 68 are amended. Applicants respectfully submit that the amendments to the claims are not made for the purpose of distinguishing over the cited prior art and further do not constitute narrowing amendments. These amendments were solely made to ensure proper antecedent bases and to properly reference a dependent claim.

### **II. CLAIM OBJECTIONS**

**Claims 59.** Claim 59 was objected to because it depended from canceled claim 18. Claim 59 has been amended to depend from pending claim 41.

### **III. CLAIM REJECTIONS**

Claims 41, 50, 52, 58-61, 63-65 and 67-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Smith et al. (US 5,564,770) in view of Zell et al. (WO 90/01999).

Smith relates to a windshield cover for protecting the windshield against snow, precipitation, dust, and other natural elements. The cover comprises first and second tubular housings having a flexible web 24 extensibly retracted therebetween. The flexible web 24, which can be considered to be equivalent to the “screen” or “screening means” of the present invention, is therefore “changeable from a first configuration to a second configuration, the first configuration being more compact than the second configuration” (claim 41). Furthermore, according to Smith, the windshield cover may be secured to the vehicular windshield or the vehicular body by means of suction cups 25. FIGS. 2 and 3 of Smith are reproduced below.

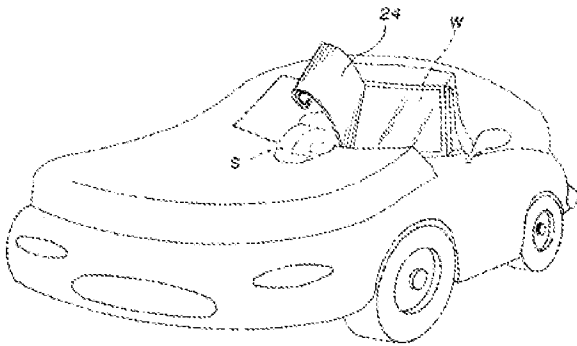


FIG. 2 of Smith et al. (US 5,564,770)

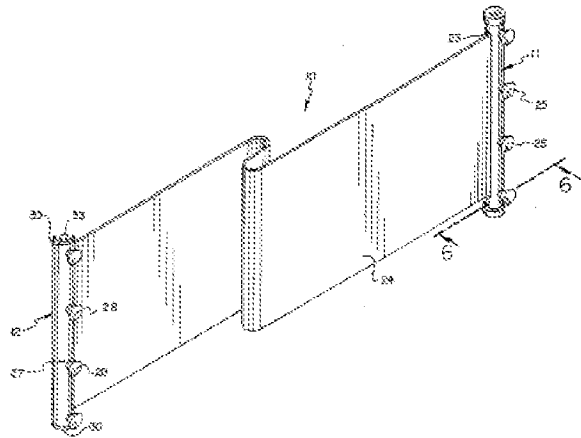


FIG. 3 of Smith et al. (US 5,564,770)

As pointed out by the Examiner, the present invention as defined by independent claim 41 is distinguished from Smith by the provision of “a release mechanism for enabling release of the suction of said grip so as to allow removal of the device from the windscreen; and a security mechanism for preventing unauthorized [*sic*] operation of said releasing means” (Office Action p. 3), and the present invention as defined by independent claim 70 is distinguished from Smith by the provision of “releasing means for enabling release of the suction of said suction grip means so as to allow removal of the device from the windscreen; and security means for preventing unauthorized [*sic*] operation of said releasing means” (Office Action p. 5). Independent method claims 63 and 71 are similarly distinguished from Smith by the provisions of “activating said security mechanism so as to prevent unauthorised operation of said release

mechanism” (claim 63) and “activating said security means so as to prevent unauthorised operation of said releasing means” (claim 71).

Cited document Zell et al. (WO 90/01999) discloses an anti-theft device for automobiles and boats (and computer monitors) comprising a cover, which when in use serves to conceal the view through a vehicle windscreen, and which is secured to the windscreen by a suction cup. According to Zell, means are provided for activating (and deactivating or “releasing”) the suction cup to generate a retaining force that is greater than the rupture limit of the material. FIGS. 1 and 2 of Zell are reproduced below.

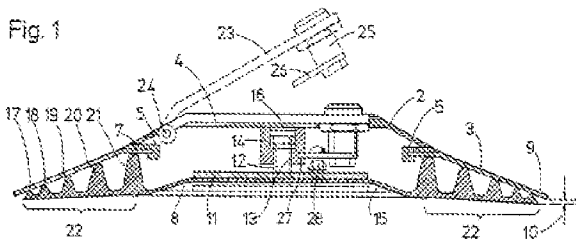


FIG. 1 of Zell et al. (WO 90/01999)

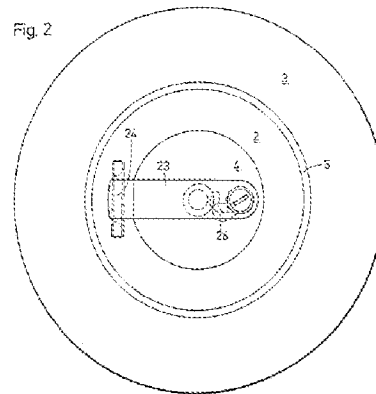


FIG. 2 of Zell et al. (WO 90/01999)

The Examiner considers that it would be obvious to one having ordinary skill in the art to provide the suction cups of Smith with a release mechanism and security mechanism as shown in Zell.

Applicants respectfully but strongly disagree with the Examiner’s reasoning in this respect. First, and bearing in mind the intended function of the Smith invention, Applicants can think of no motivation for the skilled person to consider elaborating the functionality of the suction cups 25 of the windshield protector shown in Smith. Indeed, since an important attribute of windshield protectors is that they may be readily and conveniently removed, even when (as shown in FIG. 2 of Smith et al.) snow has accumulated on top of the flexible web, Applicants submit that there is no reason why the skilled person would identify a need for the suction cups 25 to exhibit a level of suction sufficiently high as to require a “release mechanism” as recited in independent claim 41 or “releasing means” as recited in independent claim 70. In fact,

Applicants submit that it would be cumbersome for a user to have to use suction activation and release means each time the device was used. Moreover, Applicants submit that the need for a security mechanism to prevent unauthorised operating of the release mechanism does not remotely arise in Smith. Windshield protectors, such as snow screens, are necessarily inexpensive commodities for everyday use (with little pawnable value) and, as such, the real risk of them being stolen is remote.

Even if the skilled person had cause to review the teaching of Zell, it would be entirely apparent that the need for a high suction grip which is higher than the rupture limit of the material arises as a direct consequence of the intended purpose of the Zell device, namely to act as an anti-theft device for the object to which it is affixed. Thus, Applicants hope the Examiner can appreciate that providing the Smith device with the more sophisticated suction grip system shown in Zell would actually result in a windshield product which was both over-engineered and unnecessarily costly to manufacture. As such, Applicants submit that it would be nonsensical for the skilled person to seek to employ the additional features known from Zell on the snow screen device known from Smith.

The present invention comprises a windshield screen device designed for use as a *vehicle immobilisation device* in areas of restricted parking. Thus, the independent claims define the combination of features that fulfill the essential functional requirements of such a device, over and above the basic capability to provide a screen for the vehicle windscreen. Specifically, embodiments of the present invention must be able to withstand significant force from unauthorised removal of the device, e.g. in the event of a driver attempting to avoid payment of a fine to enable the removal of the device. This objective does not arise in Smith.

The present inventors have devised a simple, but nonetheless elegant and inventive, apparatus which has been met with considerable commercial interest. Applicants therefore hope that the Examiner will recognise the considerable advantages associated with the present vehicle immobilisation device which achieves a greater degree of portability without compromising the primary view-concealing function of the device, and which is resistant to unauthorised removal of the device. Indeed, as a consequence of the enhanced portability of the present invention, and with the assistance of Business Link, a United Kingdom government sponsored agency which assists and promotes growth in small business, the Applicants' device is considered to be a

candidate for use as a vehicle immobilisation device in areas of restricted parking. It is hoped that the present invention will be used to replace existing failing methods of parking enforcement, which involve the use of a "wheel clamp" device, used by parking enforcement authorities today.

### **CONCLUSIONS**

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. Notice of Allowance is earnestly solicited. The Examiner is authorized to charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-3504.

The undersigned attorney can be reached at 310-317-4466 to facilitate prosecution of this application, if necessary.

Respectfully submitted,

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DATED: April 29, 2008

By:



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